

**City of Ellsworth
Planning Board
Minutes of March 5, 2014**

Chairman John Fink, Vice Chairman Dwayne Patton, Secretary Don Martin, members Darrell Wilson and Roger Lessard, and alternate member Mike Howie attended the regular meeting of the Ellsworth Planning Board.

City Planner Michele Gagnon, Assistant to the City Planner Elena Piekut, Code Enforcement Officer Dwight Tilton, and Fire Inspector Michael Hangge also attended.

1. Adoption of Minutes from the February 7, 2014 meeting.

Darrell Wilson moved to adopt the minutes of the February 7, 2014 meeting as written. Roger Lessard seconded and the motion passed unanimously.

2. Final Plan for a Major Use Site Development entitled Surry Road

Apartments for C.J.D., LLC. The proposal is to construct four buildings, each containing six apartment units, on 4 acres (Tax Map 20, Lot 17) on the Surry Road in the Neighborhood Zone.

a. PUBLIC HEARING, DELIBERATIONS, FINDING OF FACTS AND CONCLUSIONS.

Stephen Salisbury represented the applicant and provided an overview of items that had been added or revised since the preliminary plan meeting. He explained that although Darrell Wilson had asked for the location of the existing well and septic system to be shown on the plan, neither could be located and would be abandoned. The existing house will instead be served by City water and sewer. Roger Lessard asked whether the applicant knows what kind of well it is and Mr. Salisbury responded that he has not been able to find it anywhere. Darrell Wilson asked whether an unknown location of a well or septic systems presents any risk. Mr. Salisbury said the septic system may be uncovered during excavation. Dwayne Patton, recalling working on the property in the past, said he believes the well is a buried well and that abandoning it does not pose a risk.

Darrell Wilson asked for more information about the relationship between existing and proposed stormwater drainage across Route 172. Mr. Wilson asked whether there will be increased or reduced flow or erosion. Don Becker, P.E. of Civil Engineering Services (CES) explained that the detention ponds under the parking lots decrease runoff quantity compared to existing conditions. Mr. Becker also said the velocity of the water will be less than it is currently. Mr. Wilson asked about the stormwater runoff that bypasses the treatment systems. Mr. Becker explained that water coming from off site is piped through the bypass system.

Call to Order [7:00 PM]

**Adoption of minutes:
APPROVED.**

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Darrell Wilson asked for clarification regarding the doors at the rear of each building and their proximity to proposed snow storage areas. Mr. Salsbury explained that the back doors are not intended to be the primary entrance. Mr. Wilson asked whether there will be lights at the back doors and Mr. Salsbury said there will not. Mr. Wilson noted that the lights proposed for the front entrances are not full cutoff fixtures.

Mr. Wilson asked whether wetland impacts require mitigation or traffic impacts require a traffic movement permit. Mr. Salsbury explained that the project does not meet the square footage threshold for wetland impact nor the 100 trips per hour threshold that requires a traffic movement permit.

Don Martin returned to the topic of snow storage blocking doors and Mr. Salsbury explained, and Fire Inspector Michael Hangge confirmed, that the doors open into the building because it is protected by a sprinkler system.

Darrell Wilson returned to the topic of full cut-off light fixtures. Michele Gagnon pointed to the applicability of 812.5.C, which states that full cut-off fixtures are required for all building/wall mounted lighting. Discussion ensued about how this requirement would change the lighting plan.

Chairman Fink opened and closed the public hearing.

Darrell Wilson moved that the Board grant the waiver from the lighting standard. Dwayne Patton seconded and the motion passed unanimously.

Darrell Wilson moved with regard to the final plan for a major use site development entitled Surry Road Apartments for C.J.D., LLC, a proposal to construct four buildings, each containing six apartment units, on 3.56 acres (Tax Map 20, Lot 17) on the Surry Road in the Neighborhood Zone, that the Board finds the application meets the standards of section 607 governing site development, including all supporting articles, with the only condition being that the light fixtures be changed to a full cut-off fixture and a cut sheet be provided, the project is an allowed use, and the Board approves the project. Dwayne Patton seconded and the motion passed unanimously.

C.J.D., LLC;

**Final Plan for a Major
Use Site Development
entitled Surry Road
Apartments;**

APPROVED

3. **Preliminary Plan for a Major Use Site Development entitled RF Jordan and Sons Gravel Borrow Pit** for PRB, LLC. The proposal is to extract gravel from 30 acres of a 77 acres property (Tax Map 52, Lot 7) in the Rural Zone.

- a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough, P.E. represented the applicant. Chairman Fink questioned whether the applicant had standing to be heard at the meeting, given that the relationship between applicant R.F. Jordan and property owner PRB, LLC was not made clear in the application. Mr. McCullough

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asserted that Patrick Jordan is “a principal of both entities.” Discussion ensued among the Board, who determined that because it is common knowledge that Patrick Jordan owns both companies, they would provide a review on the condition that demonstration of right, title, or interest on the part of the applicant be provided prior to the final plan review.

Mr. McCullough provided a summary of the proposal, including:

- Access is via the Champion/St. Regis/79-70-00 road, an existing gravel road located off of Route 179 that also provides access to another pit;
- Trees were recently harvested from the lot;
- The applicant will be filing a Notice of Intent to Comply with the Department of Environmental Protection (DEP) and intends to operate within the limits of that permit;
- The site will be internally drained and no stormwater will leave the property;
- The proposed elevation of the pit is 150 feet, however based on the existing adjacent pit, Mr. McCullough believes it can be excavated below 150 feet elevation and remain at least five feet above the water table;
- The proposed contours depict a 2.5:1 side slope ration and the side slope will be vegetated;
- A sediment and erosion control narrative was provided;
- The proposed development is in a relatively remote area of the City.

Chairman Fink addressed an unsigned, faxed letter received by the Planning Board regarding the project. Mr. McCullough said he was provided with a copy of the letter and was not sure who wrote it. Mr. McCullough said that the writer describes a stump dump that he has not found on these 30 acres. In response to a question from Roger Lessard, Mr. McCullough said that in the future, stumps will be removed as gravel is excavated. Mr. McCullough asserted that the letter is not accurate.

Darrell Wilson asked Mr. McCullough to explain the aquifer map included in the application. Mr. McCullough described the pink lines as watershed boundaries, the yellow area as the limits of the sand and gravel aquifer, and the orange area as the highest-yielding part of the aquifer with 10-50 gallons per minute. Darrell Wilson noted that the aquifer also lies within Fletcher’s Landing and Hancock and that the requirement for a groundwater impact analysis per 606.8.M may be applicable. Mr. McCullough argues that 606.8.M would not be applicable and that state requirements provide enough protection to the aquifer. Mr. Wilson stated

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his desire to understand the aquifer better, and at what point development affects the quality of the resource. Chairman Fink said his reading of 606.8.M is that it applies to the proposed development as it is located over a significant sand and gravel aquifer.

Mike Howie notified the Board that he represents the adjoining land owner, Ursa Major, LLC, though he has no financial interest. Mr. Howie asked about the 50-foot offset described in the application and Mr. McCullough said that it is proposed although the pit will not extend to the northern property line where PRB abuts Ursa Major.

Chairman Fink opened the public hearing.

Ken Shea came forward to speak and brought up several points:

- He and his brother Stephen Shea own 400 acres to the south of the proposed project;
- They had blueberry fields there until the existing pit was opened, after which the land became too wet to support blueberries;
- The removal of gravel has an effect on groundwater;
- They have another, larger blueberry field to the west and he has some concern about it;
- The City should consider mineral extraction more carefully, as it is currently relying only on the DEP;
- There is a granite monument at the corner where three municipalities meet and he wants to ensure it is there and remains there.

Antonio Blasi came forward to speak as a County Commissioner and a member of the Hancock Planning Board and noted:

- He would like to be kept notified as the development proceeds;
- This and surrounding pits create an “interesting convergence of mineral extraction;”
- He asked whether City water is provided to Fletcher’s Landing in the same way that it is provided to residents of Hancock; Michele Gagnon responded that it is not.

Chairman Fink closed the public hearing.

Darrell Wilson moved with regard to the preliminary plan for a major use site development entitled RF Jordan and Sons Gravel Borrow Pit for PRB, LLC, a proposal to extract gravel from 30 acres of a 77 acres property (Tax Map 52, Lot 7) in the Rural Zone, that the Board find that the application is not complete because it does not show right, title, or

PRB, LLC;

**Preliminary Plan for a
Major Use Site
Development entitled
RF Jordan and Sons**

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interest and the requirements of 606.8.M Hydrogeology are not present. Don Martin seconded and the motion passed unanimously.

Gravel Borrow Pit:
INCOMPLETE

4. **Preliminary Plan for a Major Use Site Development entitled Nicolin Road Mobile Substation** for Emera Maine. The proposal is to construct a 2,400 square foot temporary substation on 2 acres (Tax Map 93, Lot 4) in the Limited Residential and Rural Zones. As a transmission project in the Limited Residential Zone, this use is required to undergo Planning Board review per State Shoreland Zoning law.

Alternate member Mike Howie recused himself due to a conflict of interest.

Sean Thies, P.E. of Civil Engineering Services (CES) gave an overview of the project:

- It is a small mobile substation;
- It will be located on a concrete pad on the existing gravel area with a berm around it;
- There will be no new impervious area;
- There will be no other utilities or lighting.

Roger Lessard asked how long the mobile substation will be in use. Mr. Thies responded that it will only be in place for days at a time, when the large substation requires maintenance.

Darrell Wilson moved with regard to the preliminary plan for a major use site development entitled Nicolin Road Mobile Substation for Emera Maine, a proposal to construct a 2,400 square foot temporary substation on 2 acres (Tax Map 93, Lot 4) in the Limited Residential and Rural Zones, that the Board finds the application complete. Dwayne Patton seconded and the motion passed unanimously.

Emera Maine;
Preliminary Plan for a Major Use Site Development entitled Nicolin Road Mobile Substation:
COMPLETE

5. **Adjournment.** Darrell Wilson moved to adjourn, Dwayne Patton seconded, and the motion passed unanimously.

Adjournment [8:27 PM]

Minutes prepared by: Elena Piekut, Assistant to the City Planner.

Minutes approved by:

3/7/14
Date  Don Martin, Ellsworth Planning Board Secretary

NOTE: For agendas and minutes, see: ellsworthmaine.gov